

(40)

00-2-0601

Entered - 04/10/00 - sb
CL00L0198 - 1 - INE C. MITCHELL

CLAIM OF: DEKALB COUNTY GOVERNMENT
1300 Commerce Drive
Decatur, Georgia 30030

For damages alleged to have been sustained as a
result of a vehicular accident on December 31,
1996 at Warren Court and Boulevard Drive.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVISED REPORT

COM. P.S. & L.A.

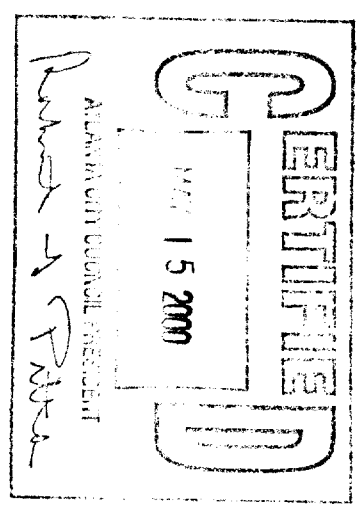
DATE 5/9/00

CHIEF C. T. Martin

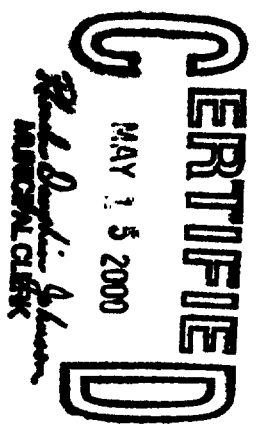
Denny Adels

[Signature]

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ADVISED BY
CITY COUNCIL MAY 15 2000





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 8, 2000

DeKalb County Government
Matthew L. Russo
1300 Commerce Drive
Decatur, GA 30030

00-R-0601

Dear Mr. Russo:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 15, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0198

Date: April 17, 2000

Claimant /Victim DEKALB COUNTY GOVERNMENT
BY: (Atty) (Ins. Co.) _____
Address: 1300 Commerce Drive, Decatur, Georgia 30030
Subrogation: _____ Claim for Property damage \$ 225.80 Bodily Injury \$ _____
Date of Notice: 04/04/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 12/31/96 Place: Warren Court and Boulevard Drive
Department Police Division: _____
Employee involved Richard Alan Mason, II Disciplinary Action: _____

NATURE OF CLAIM: The driver of the City vehicle caused a collision when he improperly passed the claimant's vehicle as its driver was attempting a left turn. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

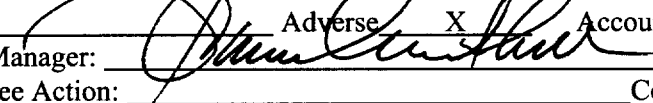
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 04-1700
Committee Action: _____ Council Action _____

Department of Finance
DeKalb County Government
Risk Management and
Employee Services Division



RICK MASON P- 770 259 0131
C- 770 617 2126

Matthew L. Russo
Insurance Manager
Tel. (404) 371 2050
Fax (404) 371 4992

1300 Commerce Drive / Maloof Administration Building / Decatur, Georgia 30030

ENTERED - 4-10-00 - SB
00LO198 - DIANNE MITCHELL

March 16, 2000

City of Atlanta
1599 Memorial Drive
Atlanta, GA 30316

Mitchell
04/04/00
DM

RE: Your Insured:
Your Policy No.: Self-insured
Your Driver: Richard Alan Mason, II

Date of Loss: 12-31-96
Our File No.: 96-6944-S

Gentlemen:

Please be advised that after thorough investigation of the above-referenced occurrence, based upon the physical evidence at the scene and any statements of witnesses, DeKalb County Government takes the position that the accident was caused by the negligent operation of your insured's motor vehicle. As a result, County taxpayers have experienced a loss of Public Funds for the reparation of a Public Service Vehicle for which your insured is liable.

Enclosed is an itemization of the cost associated with the necessary repairs to be performed by the County's Fleet Maintenance Department. Should any exception be taken to this valuation of damage, you may have your appraiser consult with Mr. Tommy Towler, Body Shop Foreman, who can be reached during business hours at 404-244-4215, in order to arrange for an inspection of the damage. However, due the public purpose and frequent emergency use, as well as mitigation of extensive "Loss of Use" connected with special public service type equipment, repairs are often immediately required. Therefore, requests should be made as soon as practicable if a physical inspection is preferred over photographs.

Remittance should be drawn in favor of Dekalb County Revenue and Treasury and tendered to the undersigned at the letterhead address. Failure to respond within a reasonable time could result in the suspension of your insured's drivers license in accordance with the State Public Responsibility Act, and the case will be forwarded the Law Department to pursue all legal remedies available to redress this loss of Public Funds.

Thank you for your prompt attention to this urgent matter.

Sincerely,

Matthew L. Russo
Matthew L. Russo

MLR:ctb
Enclosure

cc: Mr. Thomas E. Silvey, Jr., Revenue and Treasury
Mr. Richard Alan Mason, II

00-*R*-0601

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED

RCS# 1952
5/15/00
4:01 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 11)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0654
00-O-0396
00-R-0329

COUNCIL PRESIDENT PITTS
ABSTAINED ON 00-O-0523

COUNCILMEMBER MARTIN
ABSTAINED ON 00-R-0660

05/15/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0204 2. 00-O-0523 3. 00-O-0649 4. 00-O-0650 5. 00-O-0255 6. 00-O-0397 7. 00-O-0398 8. 00-O-0568 9. 00-O-0050 10. 00-O-0530 11. 00-O-0531 12. 00-O-0656 13. 00-O-0378 14. 00-O-0651 15. 00-O-0652 16. 00-O-0657 17. 00-O-0664 18. 00-O-0665 19. 00-R-0623 20. 00-R-0633 21. 00-R-0678 22. 00-R-0399 23. 00-R-0400 24. 00-R-0587 25. 00-R-0624 26. 00-R-0660 27. 00-R-0591 28. 00-R-0692 29. 00-R-0597 30. 00-R-0621 31. 00-R-0622 32. 00-R-0629 33. 00-R-0630 	<ol style="list-style-type: none"> 34. 00-R-0598 35. 00-R-0599 36. 00-R-0600 37. 00-R-0601 38. 00-R-0602 39. 00-R-0603 40. 00-R-0604 41. 00-R-0605 42. 00-R-0606 43. 00-R-0607 44. 00-R-0608 45. 00-R-0609 46. 00-R-0610 47. 00-R-0611 48. 00-R-0612 49. 00-R-0613 50. 00-R-0614 51. 00-R-0615 52. 00-R-0616 53. 00-R-0617 54. 00-R-0618 55. 00-R-0619 56. 00-R-0620 57. 00-R-0627 58. 00-R-0628 59. 00-R-0631 60. 00-R-0632